

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

619Q0510

## SENATE BILL NO. 92

Introduced by: Senators Howie, Frysliie, and Schmidt and Representatives Hunt, Brunner, Jensen, Lange, Russell, Steele, and Verchio

1 FOR AN ACT ENTITLED, An Act to require the physical presence of any physician scheduled  
2 to perform an abortion at the site of the abortion procedure on the day prior to the abortion  
3 procedure.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 34-23A be amended by adding thereto a NEW SECTION to read  
6 as follows:

7 No physician scheduled to perform an abortion on a patient may perform that abortion  
8 unless the physician has notified the patient that the physician will, on the day prior to the  
9 abortion, be available for consultation in the city where the abortion procedure is scheduled to  
10 take place or at some other office convenient to the patient in the same city. The notice shall  
11 state a specific time of at least two hours' duration when the patient may, without specific  
12 appointment, consult with the physician on any aspect of the abortion procedure. Any violation  
13 of this section is a Class 1 misdemeanor.

14 Section 2. That chapter 34-23A be amended by adding thereto a NEW SECTION to read  
15 as follows:



1       It is not a defense to a violation of section 1 of this Act that the patient has previously  
2       waived her right to notice or opportunity for the prior day consultation. It is not a defense to a  
3       violation of section 1 of this Act that the patient is unwilling to file a complaint alleging a  
4       violation of section 1 of this Act. It is not a defense to a violation of section 1 of this Act that  
5       the patient did not appear for consultation at the time and place specified in the notice, if the  
6       physician was not physically available to consult with the patient during the two hours' time  
7       duration provided for in section 1 of this Act.